



#12/elec.

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re PATENT APPLICATION OF
LESSER *et al.*

Confirmation No.: 5363

Group Art Unit: 3762

Appln. No.: 09/691,051

Examiner: OROPEZA, FRANCES P.

Filed: October 19, 2000

Title: TECHNIQUES USING HEAT FLOW MANAGEMENT STIMULATION AND SIGNAL ANALYSIS TO TREAT MEDICAL DISORDERS

June 16, 2003

* * * * *

RESPONSE TO RESTRICTION REQUIREMENT

Hon. Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

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TC 2800 MAIL ROOM

Sir:

This is in response to the official action dated May 16, 2003, in which a restriction requirement was set forth by the examiner. This response is being timely filed as it is being filed within the one month shortened statutory period set forth in the official action.

In the official action, the examiner groups the claims as follows:

- I. Claims 35-50, drawn to a method for treating a medical disorder, classified in class 607, subclass 3.
- II. Claims 51-56, drawn to a method for determining epilepsy treatment efficacy and administering treatment, classified in class 607, subclass 3.
- III. Claims 57-60, drawn to a method for analyzing brain activity, classified in class 607, subclass 45.

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It is the examiner's position that the claims of groups I and II and I and III "are related as subcombinations disclosed as useable together in a single combination." The examiner also sets forth an "election of species," stating that "should the applicant elect the first invention, the Applicant is further required to elect one species of claims 36-39 and to elect one species of claims 40 and 46-50 for prosecution on the merits."

Inventor(s): LESSER et al.

Appln. No.: 09

691,051

Series Code ↑

Serial No. ↑

Filed: October 19, 2000

Mail Stop Non-Fee Amendment

Hon. Commissioner for Patents

PO Box 1450

Alexandria, VA 22313-1450

Group Art Unit 3762

Examiner: OROPEZA, FRANCES P.

Atty. Dkt. P. 268412 DM-3580

M#

Client Ref

Appln. Title: TECHNIQUES USING HEAT FLOW
MANAGEMENT STIMULATION AND
SIGNAL ANALYSIS TO TREAT
MEDICAL DISORDERS

Sir:

REPLY/AMENDMENT/LETTER

Date: June 16, 2003

This is a reply/amendment/letter in the above-identified application and includes the herewith attachment of same date and subject which is incorporated hereinto by reference and the signature below is treated as the signature to the attachment in absence of a signature thereto.

FEE REQUIREMENTS FOR CLAIMS AS AMENDED

1. Small Entity claim

A. ☒ NOT madeB. ☐ WithdrawnC. ☐ made herewithD. ☐ made previously

For B & C

See **Required****Separate Paper**
(Pat-256)

| Claims remaining after amendment | Highest number previously paid for | Present Extra | Large/Small Entity | Additional Fee | Fee Code Lg/Sm |
|---|---|---------------|----------------------|----------------|---|
| 2. Total Effective Claims | 29 | **minus 34 0 | x \$18/\$9 = | + \$0 | 103/203 |
| 3. Independent Claims | 3 | ***minus 3 0 | x \$84/\$42 = | + \$0 | 102/202 |
| 4. If amendment enters proper multiple dependent claim(s) into this application for first time (leave blank if this is a reissue application) add | | | + \$280/\$140 = | + \$0 | 104/204 |
| 5. Original due Date: June 16, 2003 | <input type="checkbox"/> NONE | | | | |
| 6. Petition is hereby made to extend the original due date to cover the date this response is filed for which the requisite fee is attached | (1 mo) \$110/\$55 = (2 mos) \$410/\$205 = (3 mos) \$930/\$465 = (4 mos) \$1,450/\$725 = (5 mos) \$1,970/\$985 = | | + \$0 | | 115/215 116/216 117/217 118/218 128/228 |
| 7. Enter any previous extension fee paid since above original due date and subtract | | | - \$0 | | |
| 8. | | | Extension Fee | + \$0 | |
| 9. If Terminal Disclaimer attached, add Rule 20(d) official fee | | | + \$110/\$55 | + \$0 | 148/248 |
| 10. If IDS attached requires Official Fee under Rule 97 (c), add | | | + \$180 | + \$0 | 126 |
| or if Rule 97(d) Request add | | | + \$180 | + \$0 | 126 |
| 11. After-Final Request Fee per rules 129(a) and 17(r) | | | + \$750/370 | + \$0 | 146/246 |
| 12. No. of additional inventions for examination per Rule 129(b) | | | x \$750/375 ea | + \$0 | 149/249 |
| 13. Request for Continued Examination (RCE) | | | + \$750/375 | + \$0 | 1179/1279 |
| 14. Petition fee for | | | | + \$0 | |

15.

TOTAL FEE =

\$0

16. *If the entry in this space is less than entry in next space, the "Present Extra" result is "0".

17. **If the "Highest number previously paid for" in this space is less than 20, write "20" in this space.

18. ***If the "Highest number previously paid for" in this space is less than 3, write "3" in this space.

**PLEASE CHARGE
OUR DEP. ACCT**

Our Deposit Account No. 03-3975)

(Our Order No. 41061

268412

C#

M#

CHARGE STATEMENT: The Commissioner is hereby authorized to charge any fee specifically authorized hereafter, or any missing or insufficient fee(s) filed, or asserted to be filed, or which should have been filed herewith or concerning any paper filed hereafter, and which may be required under Rules 16-18 (missing or insufficiencies only) now or hereafter relative to this application and the resulting Official Document under Rule 20, or credit any overpayment, to our Accounting/Order Nos. shown above, for which purpose a duplicate copy of this sheet is attached.

This CHARGE STATEMENT does not authorize charge of the issue fee until/unless an issue fee transmittal sheet is filed.

Query: Is appeal deadline now? If so, file Notice of Appeals separately.

Pillsbury Winthrop LLP

Intellectual Property Group

By Atty: Thomas A. Cawley, Jr., Ph.D.

Reg. No. 40944

P.O. Box 10500

McLean, VA 22102

Tel: (703) 905-2000

Sig:

Fax:

(703) 905-2500

Tel:

(703) 905-2144

Atty/Sec: TACJ/AM:ksh

NOTE: File this cover sheet in duplicate with PTO receipt (PAT-103A) and attachments